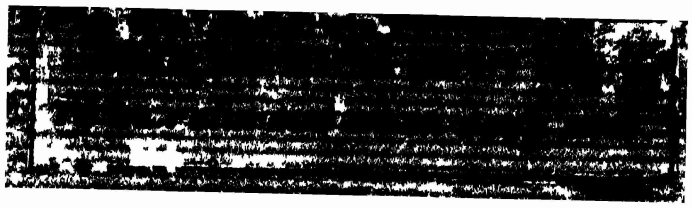
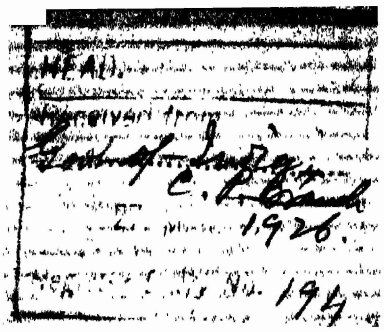


TENTH DESPATCH

ON

INDIAN CONSTITUTIONAL REFORMS

(Champaran and Kaira Cases.)



No. 8 of 1919.

GOVERNMENT OF INDIA.

HOME DEPARTMENT.

REFORMS.

To

THE RIGHT HONOURABLE EDWIN MONTAGU,

His Majesty's Secretary of State for India.

Simla, June 5, 1919.

SIR,

We have the honour to refer you to the remarks in para. 127 of our despatch of March 5, 1919, in regard to the minute of dissent by our colleague Sir Sankaran Nair. In view of the necessity of our views on the main scheme of reform reaching you at the earliest possible moment, we decided not to delay the issue of the despatch until we had had an opportunity of examining our colleague's statement. We have since examined that document and we feel bound to place on record what we consider to be a more accurate representation of the fact in what are known as the Champaran and Kaira cases than our colleague has given in Appendix A, which is referred to in paragraph 12 of his minute. We enclose therefore for your information a note on each of these cases.

2. Our Hon'ble colleague, however, remains dissatisfied with the narratives presented in the two notes and has appended to this despatch a minute of dissent containing his further criticisms on them. So far as the matters in dispute in Champaran are concerned, the main point of our Hon'ble colleague's criticism is that the ryots' grievances were of long standing and that for the purpose of their redress it was not necessary to wait for the results of the settlement operations. As we differed from his estimate upon this point, we have been at pains to obtain from the local Government the further report which we attach as enclosure 3. It shows, to our minds conclusively, how intricate were the questions both of fact and of law affecting the indigo cultivation in Bihar upon which a just decision depended; and it leaves us in no doubt whatever that the first opportunity of bringing the matters in dispute to a satisfactory conclusion was afforded to the local Government by the completion of the settlement operations and by the preparation of the settlement record. Without the facts and figures which had been laboriously collected by the settlement staff throughout the long months during which it had been at work in the Champaran district, the committee of enquiry could not have completed their task. As regards the grievances in connexion with the *tinkathia* system to which our Hon'ble colleague refers, we think it only fair to observe that the Government of Bihar and Orissa had stopped the levy of unlawful cesses before Mr. Gandhi's visit to the district. That the Champaran ryots had other miscellaneous grievances against their landlords is undeniable; but our conclusion is that these were of a minor character, and indeed exactly such as are to be found in all rural districts in all parts of India. Sir Sankaran Nair is mistaken in his reference to "communal waste." The local Government has informed us that there is not and probably never has been any such thing as 'communal waste' in the Champaran district.

3. Nor can we accept our colleague's criticism of the statement relating to the dispute in Kaira. It is a well-established principle of revenue administration which, in our opinion, has not been shaken by our colleague's comments, that a *ryotwari* tenant remains liable for his revenue, year in and year out, unless a general remission is ordered on account of widespread failure of crops. The account given in Sir Sankaran Nair's minute of dissent appended to our despatch of March 5, is regarded by the Governor in Council as so seriously inaccurate that for the purpose of correcting it His Excellency in Council has addressed us in the letter which we attach as enclosure 4 to this despatch. They have also requested us to communicate the purport of this correction to you by telegraph, and to give it the same publicity in India as the minute of dissent has obtained.

4. It is with the greatest reluctance that we have assented to any prolongation of a controversial discussion with our Hon'ble colleague, but the fact that in documents, which are before the public, his authority has been lent to statements which we cannot but regard as seriously inaccurate and calculated to produce an unfortunate impression if uncorrected, has constrained us to place upon formal record our reply to them with the intention that it may receive equal publicity.

We have the honour to be,

SIR,

Your most obedient, humble Servants,

CHELMSFORD.

C. C. MONRO.

C. SANKARAN NAIR.

G. R. LOWNDES.

W. H. VINCENT.

R. A. MANT.

H. F. HOWARD.

BENGAL SECRETARIAT

Minute of Dissent.

It is stated in the Despatch (I include the first two notes in the term) that though the Local Government had always realised that the system of indigo cultivation was essentially wrong, they were unable to devise measures for permanent relief until the settlement operations were concluded; that the Committee were able to dispose of the question only by availing themselves of the information which had been collected by the settlement staff and that there is, therefore, no ground for the charge that the Government were remiss in taking the needful steps, or that it was at the instance of the National Congress or Mr. Gandhi that the matters were finally settled. That the consideration of legitimate grievances which were provoking riots had to be postponed for seven years for the completion of a revenue inquiry is not satisfactory. It is certainly not a justification if it is any excuse. Disregarding that aspect of the matter I shall make a few observations now on the question as to how far the statement made above about the necessity of the conclusion of the settlement operations can be supported.

In connection with the prevalent system of 'Tinkathia' indigo cultivation, one complaint was that the price paid by the planter, etc., to the cultivator is fixed and remains unchanged for a long period of years, with the result that the rise in general prices being continuous, if it was fair at the beginning of any period, it had become too low by the end of it. This created great discontent, and every rise in price, with one exception, was preceded by a period of friction and discontent, and an increase was seldom effected except by disturbance and agitation. The remedy proposed by the Committee was that the price paid for the indigo must be settled by voluntary agreement and entirely on a commercial basis. Settlement operations had nothing to do with this.

The second point was that the price is fixed on the area and does not vary with the outturn of the crop, and the plots to be cultivated with indigo were selected by the planter. The result was the planter, having to pay the same price for a good or a bad crop, selected for indigo the better land in the holding, often the best manured homestead land. The Committee found that the system was radically defective for the reasons stated by them, and they recommended that the paticular plots to be devoted to indigo must be entirely at the option of the ryot. It was not necessary to rely on any settlement operation to settle this matter.

Another great complaint was that the payment of a fixed rate per acre led to the close supervision of the indigo cultivation by factory subordinates who thus had opportunities for harassing cultivators against whom they may have a grudge or to exact payment as the price of their favour. The tenant had also no interest in the outturn. The Committee found that the system was inherently bad, and they recommended that the price must be fixed on the weight of the crop. This stands on the same footing as the previous two complaints.

Another great objection was that the ryots were compelled to grow indigo. The Committee found that for the last 50 years the growing of indigo under the prevalent system of cultivation had been disliked by the ryots and that the ryots would at any time have been glad to relinquish it. They recommended accordingly that indigo must be grown under the voluntary system and that the tenant must be absolutely free to enter into the contract or refrain from making it. Surely, the necessity of relieving him from such alleged obligation was not a question for the settlement officer; it was for the Government.

Another complaint was that though the growing of crops other than indigo under 'Satta' conditions was expressly forbidden by a byelaw of the Bihar Planters' Association adopted in 1910 at the instance of Government after the disturbance which took place at the end of 1908 which affected 4 factories, they continued to act in direct contravention of the byelaw passed with special reference to practices in those concerns.

In recent years, agreements commonly known as 'Sharabashi' were executed by the tenants for the payment of enhanced rents in consideration of being allowed to abandon the indigo cultivation. The tenants denied the legality of

those agreements. Whether legal or not, the Committee felt the great desirability of an immediate settlement between landlords and tenants of this difficult question and an agreement was arrived at between the planters and Mr. Ghandi on this question. The Committee accepted that compromise. With reference to this question, the Committee availed themselves of the results of the settlement enquiry, and the evidence of the settlement officer was useful to them. And it is very probable that in accepting the compromise they had regard to the results of the settlement operations.

Another complaint had reference to the payment of what is called "Tawan" in recent years, under which the ryots purchased freedom from indigo cultivation for a lump-sum. The Committee came to the conclusion that the taking of "Tawan" was not justified in temporarily leased villages. They recommended the refund of "Tawan" in such villages and a reduction in permanently leased villages by a few estates. This question also was not dependent upon the results of any settlement operations.

Another complaint was that in addition to the recorded rent, certain unauthorised dues were regularly levied from the tenants. The Committee pointed out that this was forbidden by statutory law, though not a single suit was brought to contest such levies under section 75 of the Bengal Tenancy Act which provided the legal remedy. Besides other recommendations to stop this illegal practice, the Committee recommended that the Collector, of his own motion, might inquire into and punish the exaction by a landlord of this illegal cess. This also has nothing to do with settlement operations.

There are various other legitimate grievances of the tenants which are referred to in the Report of the Committee, like the levy of fees on transfers, the right claimed by the estates to all the hides of dead cattle, to a monopoly of trade in kerosine oil, to rights in trees, to inadequate rates by the landlords for labour, supply of carts, etc., for which it appears to me to be impossible to say it was necessary to await for the conclusion of the settlement operations

In addition to the question of commutation by enhanced rent in which the Committee availed themselves of the services of the settlement staff, the only other similar case I have been able to find is the question relating to the title to waste lands. On account of the importance of this question, I shall refer to it in some detail. Not only in the district of Champeron but elsewhere in various provinces of India, the claim to what is ordinarily called "communal waste" has led to great litigation between the Government or the Zamindars as the case may be and the ryots. It is the action of the settlement officer generally in reserving this communal waste as government or zamindary property that gives rise to litigation. If in Champeron, therefore, the Government delayed enquiry into the ryots' claims for the decision of the settlement officer I am not surprised that the ryots made that a matter of complaint. Again the rival claims to communal waste as between the zemindar landlords and the ryots have led to disputes and often to riots. In Champeron, practically all the wasteland has been recorded as being in the exclusive possession of the landlords except certain small plots. This deprives the village community of their alleged right to use the land for communal purposes, such as grazing, etc., and it also enables a landlord to put pressure on the tenants in all disputes between them. Though the Committee now recommended that suitable plots of land for communal use should be set apart for the villagers, I am satisfied that Mr. Gandhi as the representative of the ryots failed to realise the importance of this question in their interests. The Committee and the Local Government seem to have accepted the demarcation of lands by the settlement officer. It appears to me that there is very little doubt that instead of allowing the settlement officer to deal with the question, it would have been far better if the Government had intervened by legislation as elsewhere. The ryots of Champeron have been unable, as already pointed out by me and explained in the Report, to enforce their remedies even in plain cases by resort to courts.

In consideration of the facts set out above, I am unable to agree with the view accepted by my Colleagues which no doubt is in accordance with the view

put forward by the Local Government in their resolution appointing the Committee. It is impossible to deny, in these circumstances, that the ryots and those who supported them had some grounds for believing that the refusal to publish Mr. Gourlay's report was due to the disinclination to disclose the legitimate grievances of the ryots and the remedies proposed therein. Except two or three of them, the grievances are old-standing. Most, if not all, of them were noticed in Mr. Gourlay's Report. Some of them were declared illegal by the Advocate-General. But the Government, giving some relief by increasing the price of indigo, refused to interfere in all other matters, not on the ground that the settlement operations must be carried out or concluded, but that any redress afforded to the ryots will heavily hit the planter. See the letter to the Government of India, 4th June 1910. I cannot agree therefore that the Local Government had any legitimate excuse for delay.

The correspondence between the Government of India and the Local Government also bears out what I have stated. The Despatch bears testimony to the unwillingness of the Local Government to start the enquiry to which they after all agreed only on pressure by the Government of India

In all other respects the Despatch goes further than my Minute of Dissent and more than confirms the statements that I have made.

The note on the Kaira case only shows that the Government officials did not give any relief to the ryots and were precluded from giving any by the revenue rules. It admits that no inquiry is allowed into individual circumstances, with the result that even if there is no crop on the land the ryot would be bound to pay revenue. It also admits that even where a whole locality is affected, revenue may be levied from a ryot whose crop might not suffice for his subsistence. It also admits that no ryot is entitled to any suspension or remission of revenue under the laws of the country and that any such suspension or remission is a matter purely of grace. The Despatch also says that the ryots had no right to ask for any independent inquiry as to the nature of the crop even by another Government department. My Colleagues further state that these rules are in accordance with the present system of fixed assessment under which the assessee *accepts* the periodical assessment for a term of years and *undertakes* to pay his assessment in bad years no less than in good. They fail to state, however, that this acceptance is made practically under coercion. There is nothing like acceptance in the ordinary sense of the term A ryot in possession of ancestral property in which his ancestors and he have sunk their capital and on which they have bestowed all their labour has to pay *any* revenue that might be fixed upon it by the Revenue officials. He cannot go to a court of law to impeach the order on any ground whatever, not even on the ground that the revenue imposed leaves him no margin of subsistence or deprives him of the fruits of his capital and labour. If he does not pay he will have to surrender his land without any compensation for the capital and labour sunk. The social conditions of the country which keep him usually tied to his community and locality do not allow him to emigrate. He cannot get other land, as land is Government monopoly. Under these conditions, it is futile to say that there is any voluntary undertaking by him to pay the assessment in bad years no less than in good. Yet, even under these conditions, many ryots leave the land and go to Fiji and elsewhere to labour under unmentionable conditions. This is the system responsible for the destitution of the ryot. My statements as to Kaira destitution and necessity of relief have not been and cannot be denied. They can be proved by the direct testimony of respectable witnesses. The fact of collection of revenue is not evidence of capacity to pay. It is, in Kaira, proof of the rigour of collection.

It is admitted that, in these circumstances, it was the representatives of the educated classes who laboured for the relief of the destitute ryots in Kaira. That there was no valid ground for their agitation according to the rules of the revenue system, only proves the necessity of the radical alteration of that revenue system. That their agitation did not fully succeed in its object is true, but it proves only the necessity of constitutional reform.

The above observations were made by me in reply to Appendices 1 and 2 Since then we have received Appendices 3 and 4. As to the further note (III) obtained from the Local Government on the Champaner occurrences, I have

only to say that the questions (*a*), (*b*) and (*d*) are law questions on which generally, as I have already stated, the Advocate General had pronounced his opinion; they were not questions for decision by a settlement officer; and the conclusions and recommendations of the Committee were not based, as would appear from a perusal of their Report, on any information collected by the settlement officer. As to (*c*), as I have already pointed out, the information collected by the settlement officer was useful and the Committee used that information. I am not able to see the bearing of the rest of the note on my contention.

As to the letter of the Bombay Government, disregarding their very courteous references to myself which however are entirely inaccurate, it is enough to draw attention to one statement: "The fundamental misconception underlying Sir C. Sankaran Nair's presentment of the case is that an *individual* ryot has a *claim* to suspension if *his particular* crop fails" (paragraph 4). I never said anything of the sort but just the opposite. These are my words: "It is a feature of the Revenue rules that individual cases of hardship are not attended to, or, in other words, an individual is not exempted from payment for failure of crops in his holding only, but if there is a failure in the locality he might get relief with others." The whole letter in so far as it is relevant is based on this erroneous statement and, in my opinion, does not deserve any further attention.

June 5, 1919. C. SANKARAN NAIR.

List of enclosures.

I.—Note on the Champaran case.

II.—Note on the Kaira case.

III.—Further note on the Champaran case.

IV.—Letter from the Government of Bombay no. 5447, dated May 28, 1919.

APPENDIX 1.

Note on the Champaran case.

The relations between the indigo planters and the ryots cultivating indigo under them have been repeatedly under the notice of Government for about 60 years. The trouble first came to a head in Lower Bengal and led to the appointment of the Indigo Commission in 1860, but in 1867 similar discontent on the part of the ryots began to show itself in the Champaran district. An enquiry made in that year by the Commissioner of Tirhut showed that the trouble arose mainly from the system under which ryots entered into agreements with the planters to grow nothing but indigo on a fixed proportion of their holdings. It appeared that indigo required much labour and was less profitable than other crops, while the system also led to the harassment of ryots by factory servants. On the other hand, the ryots continued to enter into these agreements because they could not resist the temptation to take the advances offered and the undertaking that rents would not be enhanced so long as they grew indigo and because various methods of persuasion were applied. The trouble was settled for the time being on the intervention of Government by a considerable enhancement of the rates paid to the ryot for indigo.

2. This enhancement smoothed matters over for the time, but complaints against the working of the system continued to be received from various districts and in 1875 the Commissioner of Patna suggested the appointment of an Indigo Commission. The local Government, however, considered that the discontent was not so widespread as to call for the appointment of a Commission and contented itself with a warning to magistrates to administer the existing law vigorously.

3. In 1877, the matter again came before Government with particular reference to the Muzaffarpur district and as a result of discussions the Bihar Planters' Association was formed in 1878 and a set of rules drawn up, the most important of which secured a further increase in the price paid per bigha for indigo.

4. These measures resulted in an improvement in the relations between the planters and the ryots and there was no further trouble until 1908 when disturbances broke out in Bettiah. An enquiry made by Mr. Gourlay showed that the causes of discontent were the same as those which were brought to light in 1867. Government again intervened, and the Planters' Association had to make further concessions, the most important of which were yet another increase by 12½ per cent in the price paid for indigo and a reduction by as much as one-third of the proportion of his holding on which the ryot was compelled to grow indigo. This was not regarded by Government as a permanent solution of the problem but as a fairly satisfactory settlement which, it was hoped, might tide the industry over the next few years which it was recognised would be a critical period owing to the competition of synthetic indigo.

5. The reports of Mr. Gourlay and of the local officers had shown that the troubles in the Champaran district were largely economic and the local Government had for many years realised that no satisfactory solution of these agrarian problems could be found until the settlement records had been brought up to date. The work of settlement imposes a great strain on the gazetted staff of Government and must be undertaken according to a carefully planned programme, any deviation from which is liable to cause confusion, but when fresh complaints began to come in from ryots in the Bettiah sub-division in 1912-13 Government advanced the programme of settlement and work was started in the Champaran district in the cold weather of 1913. The settlement operations were still in progress when Mr. Gandhi arrived in the district in 1917. It may be mentioned here that the settlement of a district is an operation of considerable magnitude. The area of the Champaran district

is 3,500 square miles and the settlement record comprises 3,500,000 plots and about 500,000 ryoti holdings. The work has to be taken up in instalments by areas of from 800 to 1,200 square miles, and in each of these areas the settlement staff has to investigate and record the facts of the situation plot by plot and holding by holding and to examine and settle all disputes between tenants and landlords, whether relating to conditions of tenancy or amount of rent. In the first year the facts are ascertained by field to field enquiry: in the second year the draft record is prepared and explained to the parties and published: and in the third year the case work connected with the settlement of rents, etc., is undertaken. This last stage, with appeals to the special Judge appointed for the purpose, may carry on the work to a 4th year. Thus in each block of 800 to 1200 square miles the work is spread over at least three years and in a district of the size of Champaran the settlement operations must take about 7 years to complete. It may further be mentioned that when the work was at its height the settlement staff consisted of three civilian officers, about 40 deputy and sub-deputy collectors and a large number of trained subordinates.

6. Enough has been said to show that the settlement of agrarian disputes such as those which were causing the trouble in the Champaran district is an exceedingly complicated business and it was for this reason that the Government of Bihar and Orissa refused the requests made from time to time in the Legislative Council between 1913 and 1915 for the appointment of a special commission of enquiry, holding that the expert settlement staff were in every way a better agency for the purpose than a committee could possibly be. That the correctness of this decision was generally recognised is shown by the voting on a resolution moved in the Legislative Council in April 1915: the Hon'ble Member who moved for the appointment of a committee obtained only 3 supporters, while 27 including 13 non officials voted against the motion. If the result of the enquiry made by the committee which was eventually appointed be pointed to as an argument that a committee might with advantage have been appointed at an earlier stage, it is sufficient to reply that when the Champaran Committee was constituted in 1917 the settlement enquiries were approaching completion and the committee had a record prepared by the expert staff on which to work and base its recommendations. It cannot be too strongly emphasized that it was to the settlement officers that all parties turned during the course of the enquiry for reliable information. No commission of enquiry appointed by Government *ad hoc* to enquire into agrarian grievances could possibly have elicited the information compiled by the settlement agency, and without this there could be no reliable basis for proposals to settle the differences between the planters and the ryots.

7. It may be noticed here that the complaints which came in from 1912-13 onwards were different from those which were received on previous occasions. In one part of the district the main grievance was the levy of illegal cesses (*abwab*) by thikadars—not only indgo planters but others as well—while in another part the trouble arose out of an attempt by the planters, when the indigo industry declined on account of the competition of the synthetic variety, to extract from their ryots compensation for their release from the obligation to grow indigo. The first of these grievances was enquired into by the local officers and by April 1916 the local Government had passed orders which were calculated to stop completely the levy of illegal cesses: the second was a matter which could not be settled without a detailed examination of the incidents of tenant right in each holding and this examination, which was carried out by the settlement staff in the course of their ordinary enquiries was well advanced by 1917.

8. This was the state of affairs when Mr. Gandhi appeared in the Champaran district to make his enquiry. Before starting his enquiry Mr. Gandhi called on the Commissioner, Tirhut Division, with a request that the local officers would help him. The Commissioner pointed out that an enquiry was already in progress in connection with the settlement operations and that Mr. Gandhi's intervention would be an embarrassment rather than an advantage.

He also asked Mr. Gandhi, pending a consideration of his request, to furnish him with credentials in support of his statement that he was undertaking the enquiry in response to an insistent public demand. Mr. Gandhi then sent to the Commissioner a letter from certain persons inviting him to visit the district, but without waiting for any further communication from the Commissioner he left for Champaran. On further consideration the Commissioner considered that an enquiry by Mr. Gandhi might lead to a disturbance of the peace and he directed the District Magistrate to issue an order against him under sec. 144, Criminal Procedure Code, requiring him to leave the Champaran district, if he should arrive there. At the same time he reported the facts to the local Government and recommended the issue of an order under the Defence of India Rules excluding Mr. Gandhi from the Tirhut Division. The local Government did not agree with the Commissioner and considered that he had committed an error of judgment, but in the mean time the District Magistrate of Champaran had served on Mr. Gandhi the order under sec. 144, Criminal Procedure Code, and when the latter declined to leave the district in obedience to the order he was prosecuted under sec. 188, Indian Penal Code. He pleaded guilty to the charge, and the Magistrate suspended orders and wired to the local Government for orders. The local Government, as already stated, disapproved of the action taken by the Commissioner and when these fresh facts came to their notice they immediately wired to the local authorities to abandon the criminal proceedings and to give Mr. Gandhi every reasonable facility for obtaining information he desired.

9. The planters not unnaturally resented Mr. Gandhi's unauthorised interference and, anticipating that it would cause unrest and disturbances among the ryots, they protested against it throught the European Associations. On the other hand, Mr Gandhi, in sending his report to Government on completion of his enquiry himself admitted that he had received every courtesy from those planters with whom he had come in contact.

10. The final agreement of the Bihar and Orissa Government to appoint the Champaran Committee has been represented in some quarters as a surrender to Mr. Gandhi and the agitation of his followers. This is incorrect. When the disturbances in the Champaran district consequent on Mr. Gandhi's enquiry were first brought to the notice of the Government of India they at once asked the Bihar and Orissa Government to consider the expediency of appointing a committee of enquiry consisting of officials and non-officials. The local Government were not at first inclined to accept the suggestion, as they still adhered to the opinion that the various problems could best be solved on a consideration of the reports of the settlement staff whose operations were nearing completion. On further consideration, however, they accepted the proposal that a committee should be appointed and that Mr. Gandhi should be offered a seat on it. The chief reason for this change of attitude was that the continuance of Mr. Gandhi's private enquiry was producing great excitement amongst the ryots and that cases of destruction of property were beginning to occur. Mr. Gandhi's visit took place at a most inopportune moment, as at a time of settlement the relations between landlords and tenants are apt to be strained, and when the rumour began to go around that Mr. Gandhi had been sent to Champaran by the Viceroy to redress the grievances of the people and the influence of the local officials was being undermined, it was recognised that the situation was so serious as to require early action. The situation was thus materially different from that in 1915 when the resolution in the Legislative Council was rejected and the local Government therefore agreed to the appointment of a committee and to the placing before it of the material collected by the settlement staff during the previous four years. Finally, it may be mentioned that Mr. Gandhi did not ask for the appointment of a committee and that it was only after a long interview with the Lieutenant Governor that he consented to serve on it. Thus Mr. Gandhi was not responsible for the change of attitude of the local Government except in so far as his intervention brought the ill-feeling between the planters and the ryots to a head.

11. The findings of the committee are not relevant to the purpose of this note. If further information in regard to them is required, it will be found in the committee's report, a copy of which was submitted to the India Office with the Legislative Department letter to the Under Secretary of State for India, no. 152, dated December 1, 1917. It may, however, be mentioned that there has recently been a movement on the part of the ryots in certain areas of the Champaran district to repudiate the compromise made on their behalf by Mr. Gandhi and, while it undoubtedly saved a mass of litigation in the civil courts, it is by no means certain that the final results would have been better or worse for the ryots as a whole if Mr. Gandhi had not intervened.

12. To sum up it may be said that for the last 60 years the relations between the indigo planters and their ryots have been repeatedly under the notice of Government and that on at least three occasions prior to 1908 Government intervened in the disputes on behalf of the ryots. Further, from the year 1908, if not earlier, Government realised that the system under which indigo was cultivated was essentially wrong and that any remedies which they could apply without entirely upsetting the system could afford only temporary relief. They were unable to tackle the problem at once because they realized that no solution could be found until the relations between the planters and their tenants had been examined in detail, and for this they had to wait until the settlement operations could be taken in hand. The position was further complicated by the fact that the system was based on contracts between the planters and the ryots : interference in an elaborate system of contractual relations is obviously a matter of extreme delicacy, and no Government could venture on such interference except on the clearest proofs of necessity. Mr. Gandhi's intervention, by bringing the discontent of the ryots to a head and thus threatening the district with an outburst of lawlessness, compelled the Government to anticipate the programme which it had mapped out, but by that time the information which the local Government had always insisted on as being essential had been collected by the settlement staff and it was only because they had this information at their disposal that the committee were able to bring their labours to so speedy a conclusion.

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APPENDIX II.

Note on the Kaira Case.

The Kaira agitation arose out of the land revenue demand for the year 1917-18. Prior to this the revenue condition of the district was excellent, revenue suspensions from previous years being *nil* in the three talukas to which the crop failure of 1917-18 was practically confined. In 1917 heavy late rains considerably damaged some of the *kharif* crops, especially bajri, in parts of the district; while on the other hand, the rice and other later crops were unusually good. The Bombay rules relating to suspensions and remissions of land revenue which were approved by the Government of India in 1907, proceed on the principles that in the case of general calamities homogeneous areas should be dealt with as a whole, enquiry into individual circumstances being avoided in the interests of expeditious disposal, that in the first instance relief should invariably be given in the form of suspension and not of remission, and that suspensions should be granted on the following scale, *viz.*, in full if the crop is one-third of a normal* crop or less, to the extent of one-half the demand if the crop is more than one-third but less than one-half of a normal crop; and not at all in other cases. In accordance with these rules the Collector (himself an Indian) after local investigation granted varying degrees of suspension in 104 villages in three talukas, the amount suspended being about 20 per cent of their total revenue demand and 7·4 per cent. of the demand for the whole district. Shortly before he passed his formal orders, a deputation headed by two Bombay lawyers waited on him on December 15, 1917, and alleging an almost entire failure of all crops, demanded immediate remmission in the majority of casses, and suspensions in full in others. The Collector pointed out that the former request was against the rules, but promised to consider the case for suspensions, as a result of which he passed the above orders. The matter was thereupon taken up by the Gujrat Sabha whose headquarters are at Ahmedabad, outside the Kaira district altogether. Its method of operations was to ignore the local officers, and to address petitions and telegrams direct to the local Government claiming an independent enquiry. About the beginning of January it issued a circular to the villagers of Kaira stating that, as no reply had been received from the Bombay Government, those whose crops had failed entirely or who had not got more than one-third of a normal crop should withhold payment of land revenue. On this the local Government issued its first Press Note of January 16, 1918, detailing the facts and warning the revenue assessees against any attempt to refuse payment in the face of formal orders to pay.

2. Mr. Gandhi began to interest himself in the matter during the month of February, after the *kharif* harvest in question had been reaped and removed from the fields. He contended, however, that reliable results could be obtained by asking cultivators to say what crops they had obtained that year and what crops they expected to obtain in a normal year. He also took the view that *rabi* crops, even cotton crops, should not be taken into consideration in determining the average crop valuation of a village. These representations were personally discussed with the Commissioner and Collector, and the latter re-examined the estimates of outturn in villages in the neighbourhood of Mr. Gandhi's own enquiries. Mr. Gandhi was invited to be present at this re-examination and in one case was present. It was decided that there was no ground for modification of the orders already passed and Mr. Gandhi was so informed on March 20, 1918.

3. On the following day the Gujrat Sabha, presided over Mr. Gandhi, passed a resolution that resort should be had to passive resistance; and Mr. Gandhi proceeded to initiate the compaign on March 22, by advising a large meeting of Agriculturists of the Kaira district that, if they really and honestly believed that their corps were less then one-third of a normal crop. they should resort to passive resistance by refusing to pay the revenue and allow Government to recover it in any manner it pleased. An undertaking to this effect is said to have been signed by some 200 agriculturists, "small and big", at the meeting. The campaign was continued in March and April, and according to press reports had attained its maximum of 2,337 signatories by April 21.

*NOTE.—Under the system of notation followed in the Bombay Presidency a normal crop is described as "12 annas."

4. Meanwhile the collection of land revenue was being effected to a large extent in the district. In a speech at Nadiad on April 12, the Commissioner announced that not less than 80 per cent. had already been paid, while the Collector reported on April 10, that some persons who had signed Mr. Gandhi's pledge were already beginning to pay up, and that Mr. Gandhi appeared to be ready to make a compromise. On April 24, the Commissioner pointed out to the Collector that the position had been "to a great extent changed within the last few days by reason of the issue of the Viceroy's order that every effort should be made to sink domestic differences and to bring about the cessation of political propaganda at a time of national crisis" (the great German offensive was then at its height). In these circumstances he considered it the duty of Government to make any concession which does not involve a sacrifice of the essential rights of the State". The objective should be the early and complete collection of all arrears, and he directed in supersession of all previous orders that—

(1) Recovery of arrears by means of forfeiture of the land under sec: 150 (*b*) of the Bombay Land Revenue Code should be dropped.

(2) If full payment was tendered, payment of the "*chothai*" fine, *i.e.*, the penalty, not exceeding one-fourth of the arrear, leviable under sec. 148 of the Bombay Land Revenue Code, need not be insisted on.

(3) In all cases recovery should be effected preferably by distraint of the defaulter's moveable property [sec. 150 (c) of the Code].

(4) Lands already forfeited might be restored at any time during the current revenue year if the arrears were tendered.

He added that there need be no pressure on those who were really unable to pay, and that such arrears might be carried on to the next year's accounts.

5. The next day (April 25) the Bombay Government issued its second Press Note, pointing out that the bulk of the revenue had already been paid in, and that the outstandings were mainly due from those who could afford to pay, but had been induced to refuse payment, and stating that in these circumstances Government could not comply with Mr. Gandhi's request for an independent enquiry. They emphasised the fact that suspensions and remissions cannot be claimed as a matter of right, but are a measure of relief granted as matter of grace; and announced that all their estimates and calculations on which the revenue demand was based were open to inspection.

6. The Commissioner's orders were duly passed on by the Collector to the mamla'dars, but the latter appear to have had some hesitation in forbearing to put pressure on those who were really unable to pay; with the result that the Collector repeated the order on May 22, 1918, by which time the revenue realised had risen to 93 per cent. of the total demand. This reminder had its effect, and the mamlatdar of Nadiad after an interview with Mr. Gandhi issued an order on June 3, to the village officials of Uttersarda directing them to inform the villagers that such of them as were able to pay should do so without delay, but that "against those who are really poor, and whose poverty is proved, no coercive measures will be used, and their land revenue will be suspended till next year." The order was read out to the villagers and Mr. Gandhi then strongly urged the people to pay up. After this the agitation rapidly came to an end. There was still some correspondence between the Collector to Mr. Gandhi regarding the reformer's action in levying "*chothai*" fine in the case of persons against whom forfeiture orders had already been passed; and regarding the question whether the arrears of persons finally declared to be too poor to pay during that year should be classed as "suspensions" or as "unauthorised arrears". On the latter point the Collector considered that there had been a genuine misunderstanding, and on his recommendation Government reluctantly agreed to concede the point and to class the arrears as suspensions. By the end of July collections had risen to 98·5 per cent. of the total demand.

7. To appreciate the question of justification for this agitation it is necessary to bear in mind that under British rule in India the system of fixed assessments over a series of years was deliberately adopted. The principle underlying these periodical assessments is that they have "been fixed so as to allow, so far as the assessing officers could judge, for ordinary variations of season during the period of settlement, and the demand ought in theory to be paid in bad years as well as in good" (para. 5 of the Government of India, Revenue and Agricultural Department Resolution of March 25, 1905). While, therefore, recognising that in practice some elasticity in collection is required, the Government of India remarked that it was no part of their intentions that the system to which they gave their adherence in this resolution should authorise anything in the shape of laxity or carelessness in the collection of the fixed demand, nor did they contemplate that the system of suspensions and remissions should form, as had been proposed, "a regular feature of the revenue administration." It was to be recognised as a measure, *purely of grace and not of right*, to be exercised only in exceptional cases of calamity so severe as to justify and necessitate a relaxation of the settlement contract. They added that it was "wholesome and legitimate to expect him (the cultivator) to take the bad with the good in years of ordinary fluctuation." The above principles are repeated in the preface to the Bombay Rules. Rule 1 of these rules authorises (it does not, be it noted, direct) the Collector, when he has ascertained by local enquiries that, owing to a partial or total failure or destruction of the crops throughout any tract on account of drought or any other cause, it will be necessary to suspend the collection of revenue, to grant suspensions according to the scale indicated above (para. 1) to all occupants alike without enquiry into the circumstances of individuals. The use to which these scales should be put is laid down in para. 10 of the Government of India's Resolution of March 25, 1905. They deprecated anything in the shape of servile adherence to formula; but were of opinion that a standard scale of relief on an arithmetical basis should be prescribed for general guidance. The agitation in Kaira ignored these principles. Mr. Gandhi, it is true, early in May admitted that "suspension is granted as a matter of grace and not as a matter of right enforceable by law"; but he shows no appreciation of the fact that this essential distinction is due, not to any arbitrary refusal on the part of Government to concede the legal right, but to the simple fact that under the present system of fixed assessments the assessee in accepting the periodical settlement for a term of years undertakes to pay that assessment in bad years no less than in good. Thus he actually states the case for the agitation as follows:—"where there are, in matters of administrative orders, sharp differences of opinion between local officials and the ryots, the points of difference are and ought to be referred to an impartial committee of enquiry". He even goes so far as to say that it was the Commissioner's duty to please the people when he saw that they differed from him regarding the extent of relief required. This seems essentially a denial of his former admission that suspensions are a matter of grace. Again Mr. Gandhi is wrong in insisting on a rigid adherence to the scale of suspensions prescribed in the rules. In his letter of March 29, 1918 he writes—"Under the Revenue rules, if the crops are under four annas (*i.e.*, one-third of a normal crop) the cultivators are entitled to full suspensions of the revenue assessment for the year." They are not "entitled to" anything; and the scale appealed to is not an absolute formula but a general guide to the Collector. As the Government of India said in para. 9 of their Resolution of March 25, 1905, "It does not necessarily follow that the failure of more than half a crop will always justify relief, as much depends upon the nature of the harvests immediately preceding and upon the importance of the harvest in question"—another point which the agitation consistently ignored. Apart from the question whether the assessees in certain circumstances have a claim to suspension, the Government could not accept the further contention of the agitators that the assessees have a right to challenge the Collector's estimate of crop failures on which his orders for suspensions are passed, and either to have those orders modified at their dictation or to demand an independent enquiry. The responsibility for these crop estimates must rest with the Collector. As a matter of fact, there is no reason to suppose that the estimates in Kaira were,

so inefficiently made as to justify organised protest, and a contrary inference may reasonably be drawn from the progress of actual collections during the revenue year and even while the passive resistance movement was at its height. The figures have been given already in paras. 4 and 6 above.

8. It remains to consider how far the agitation was in fact successful. From the fact that the Gujrat Sabha found it necessary at its meeting of March 21, 1918 to repeat in the form of a resolution the advice it had already issued in circular form at the beginning of January, it may be inferred that in its earlier stages, at any rate prior to Mr. Gandhi's intervention, the agitation was not very effectual. Moreover, it was not until after His Excellency the Viceroy had issued his appeal to sink domestic differences that the local Government and its local officers relaxed in any way the firm attitude hitherto adopted by them. The extent of this relaxation is indicated in para. 4 above. In the main it consisted of the substitution of the milder for the more rigorous of the recognised methods of revenue recovery and to this extent involved no surrender to Mr. Gandhi's demands. The Commissioner's direction that no pressure should be put on those who were really unable to pay, while not covered by any specific provision in the rules for suspension in times of general calamity, was in accordance with the revenue practice of the presidency, and it was only the subsequent conversion of these outstandings from "unauthorised arrears" to "suspension" (*vide* para. 6 above) which involved any unusual concession. This concession, however, formed only a small part of what the agitation was avowedly designed to obtain. Its main object was that *either* an independent enquiry into the extent of crop failure should be instituted, *or* Government should accept the ryots' own estimate of their crops as the basis on which suspensions should be granted. Neither of these demands was conceded. Even in the individual cases to which the above concession was extended, it was the Government officials alone who decided the question whether an assessee was or was not, too poor to pay; and Mr. Gandhi agreed to abandon the agitation and took an active part to secure payment by the recusant minority before any steps had been taken to determine who were too poor to pay. It is true that even here Mr. Gandhi appears at first to have been under a misapprehension, as in his speech at Uttersarda on June 3, which inaugurated the abandonment of the agitation, he is reported to have said to the villagers that "the Government had left it to them to decide who should not pay." But there was no authority for this statement, and the Commissioner on July 1, 1918 stated definitely that "those who will receive the concession in question are the poorest holders, and they have been selected by the Collector and his subordinate officers and not by any extraneous agency."

9. The above facts point to the conclusion that there was no valid ground for the Kaira agitation, and that it did not succeed in its object.

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APPENDIX III.

Further note on the Champaran case.

The two main questions which the Committee was appointed to investigate were the system under which indigo was grown in Champaran and the arrangements made between planters and the raiyats for the abandonment of that cultivation in certain areas. It was the latter question which was mainly responsible for the agitation which led to the appointment of the Committee. The arrangements made were of two kinds. In those villages of which the factories enjoyed permanent leases the rents were enhanced by agreement between the landlord and the tenants at the time indigo cultivation was given up. This arrangement was known as *sharabeshi*. In villages which were on temporary lease, on the other hand, the factories commonly accepted a lump sum payment known as *tawan* in return for which they granted a final release from any obligation to grow indigo. Before the Committee could advise Government as to the attitude it should assume towards these arrangements it had to consider the following questions :—

(*a*) Was the obligation of the raiyat to grow indigo for the factory a purely contractual obligation arising out of the document known as the indigo *satta*, or was the obligation one of the conditions on which the raiyat held his land ?

(*b*) In the latter case did the rights of the landlord belong to the indigo planter or to the superior landlord (*i.e.*, Bettiah Estate), and in this matter what was the distinction between villages held on permanent lease and those held on temporary lease ?

(*c*) Were the enhancements of rent or the lump sum payments fair and reasonable on the assumption—

(*i*) that the obligation was purely a contractual one, or

(*ii*) that it was a condition on which the raiyat held his land,

(*d*) If the obligation were purely a matter of contract was the contract legal having regard to the provisions of section 178 (3) (*b*) of the Bengal Tenancy Act ?

On the answer to these questions the decisions of Government must necessarily depend, and without the detailed and searching enquiries of the settlement officer and the very valuable information which he was able to place at the disposal of the Committee, it would have been impossible for that body to make recommendations which Government could readily accept. In these matters the evidence of the Settlement Officer was of vital and even of decisive importance.

2. The defects which the Committee found in the so called *tinkathia* system of growing indigo which prevailed throughout Champaran were as follows :—

(1) The price paid by the factory was fixed according to the area and not according to the outturn; with the result—

(*a*) that there was a temptation for the planter to select the best lands for indigo, and

(*b*) that the raiyat had to be stimulated to exertion by the attentions of a large number of low paid factory subordinates.

(2) When the prices of agricultural produce rose it was difficult for the raiyat to obtain a corresponding increase in the price of his indigo, and in fact periods of friction and disturbance had on each occasion (with one exception) preceded an increase in price.

(3) The system was generally unpopular with the raiyats who welcomed the prospect of release from growing indigo under these conditions.

These defects, the Committee held, were sufficiently formidable to justify the summary discontinuance of the system.

3. The fact that the *tinkathia* system was liable to abuse was not a new discovery made by the Committee. The attention of the Bengal Government had been called to the point in 1908 and they had given it much anxious consideration. It was common knowledge also that, at intervals of twenty or thirty years, there had been outbreaks of popular discontent regarding the price paid for the crop. But the fact that a system is liable to be abused and is sometimes abused does not of itself justify its sudden termination. Government has to consider the system as a whole and the good points as well as the bad. In their Report the Committee laid emphasis on the dangers and defects which in their opinion rendered it advisable to bring the *tinkathia* system to an end, but naturally they did not lay equal stress on the advantages which did much to counterbalance these defects. Amongst these may be mentioned the fact that the raiyat received an advance in cash or by credit in his rent account at a season of the year when he needed money, and that he was protected against the loss which would be occasioned by a complete failure of the crop. But the most important point is that, in villages where indigo was grown, the rents over a long period of years were either not enhanced at all or only to a very limited extent. These were matters which Government was bound to take into account, and however unpopular indigo cultivation in Champaran may have been, it is more than doubtful whether the raiyat would have accepted release had the price of freedom been the enhancement of his rent to anything approaching the average level of the rents paid in Indian estates in the adjoining districts. The resolute opposition shown to the collection of the very moderate enhancements finally settled in accordance with the Committee's recommendations strongly supports a different conclusion.

4. But even if Government had decided that it was desirable to abolish the *tinkathia* system, it would still have had to consider what measures were necessary in order to secure that result. In particular it was faced by the problem whether legislation was required and if so legislation of what kind. The planters were not bound to make radical changes in their system of indigo cultivation at the mere bidding of the executive Government, and before legislation could be undertaken it was an indispensable preliminary that the right of the parties should be clearly ascertained. If it were found that the obligation to grow indigo rested on contract only, then it would probably suffice to make certain forms* of contract uninforceable at law. If however it were found that the raiyat held his land on the condition that he grew indigo for the factory the case would at once assume a much more serious aspect. The proviso to section 29 of the Bengal Tenancy Act clearly recognizes that a tenant may hold his land subject to a condition of this kind and it exempts from the usual restrictions on enhancement by contract enhancements taken in exchange for release from the obligation to grow a particular crop. To deprive landlords without compensation of an acknowledged legal right would be legislation of a very unusual kind, needing special justification. In this matter also, therefore, Government could not wisely take action until the Settlement Officer had investigated the nature of the indigo obligation and had presented his conclusion. Further it is to be remembered that after 1914, owing to the fact that the factories had surrendered their indigo rights in a very large number of villages, the *tinkathia* system affected a far smaller area in the district than it had done in earlier years.

5. It came to the notice of the Committee during their enquiries that three factories in the district had violated the bye-law of the Planters' Association which forbids the growing of crops other than indigo on *Satta* condition. Only a few villages, however, were affected and the matter was not made a subject of special complaint by the raiyats.

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* The validity of the indigo contract has been challenged on the ground that it violated the provision of section 178 (3) (*b*) of the Bengal Tenancy Act, but up to the time the Committee was appointed all parties had proceeded on the assumption that it was a valid contract, and although many civil suits were brought annually to enforce such contracts, the defence that the contract was invalid was never raised. The Committee, it is believed, considered the question but they expressed no definite opinion in their Report).

6. Another very important matter discussed by the Committee was the levy of unlawful cesses by zamindars and lease holders in the north-west of the district. Such exactions are unfortunately not confined to one district, but so far as Champaran was concerned the Committee found that the measures already taken under the orders of Government in the previous year had been effective in stopping the abuse. It is to be noted moreover that the special legislation recommended by the Committee with the object of strengthening the law on the subject was rejected in the following year by the local legislative council, all the unofficial members with one exception voting against it.

7. The Committee also investigated the wages paid for labour and the rates paid for the hire of carts. In this matter the Committee's Report did not disclose any grave abuse, and their recommendations were confined to the framing of a minimum tariff for wages based on local market rates, and the restriction of the periods for which contracts to supply carts in return for an advance might be made.

8. The Committee in the course of their investigations had their attention drawn to various minor matters in which grievances were alleged and have mentioned them in their report. A number of these were neither peculiar to Champaran nor to the Indigo factories, and indeed the factories were only concerned with many of them as the local representatives of the superior landlord (*i.e.* the Bettiah Estate). Amongst these may be mentioned the rights claimed by zamindars to levy fees on transfers of land, to charge fees for the right to sell kerosine oil, to sell the hides of dead cattles and appropriate the proceeds, to the possession of the timber of trees grown on raiyats' holding and to charge fees for grazing cattle on the waste land of the village. Some of these matters were outside the settlement officer's sphere, but others (*e.g.*, fees on transfers of land, grazing rights and the right to trees) were obviously matters for his decision in the first instance. Apart from that, however, none of these questions had been brought prominently to the notice of Government before the appointment of the Committee, and it is to be feared that an enquiry in any district of the Province would disclose many grievances at least as serious suffered by the raiyats at the hands of their zamindars. In several cases both the Committee and the settlement officer found that the landlord was acting within his legal rights, and in such cases the recommendation made by the Committee was based purely on a consideration of what a well intentioned landlord could reasonably be expected to do for the benefit of his tenantry. This applies both to the rights in trees and to the grazing on waste lands.

Appendix IV

No. 5447, dated Bombay Castle, the 28th May 1919.

From—P. J. Mead, Esq., C.I.E., I.C.S., Chief Secretary to the Government of Bombay,

To—The Secretary to the Government of India, Home Department.

I am directed to supply the following brief statement as regards the facts referred to in Sir C. Sankaran Nair's Appendix A to his minute of dissent dated March 5, 1919, which is attached to the Government of India's despatch of the same date, as regards what he calls the Kaira case. The Governor in Council considers that the account given by Sir C. Sankaran Nair is so misleading that some authoritative correction of the views therein conveyed is essential before communication to the Secretary of State or to Parliament.

2. I am to say that the Governor in Council fully realises the difficulties under which any critic of our land revenue administration must labour when dealing with so complex and specialised a subject, and many of Sir C. Sankaran Nair's misconceptions of fact and policy are doubtless due to his imperfect acquaintance with the practical details of land revenue administration. It is only necessary in this connection to refer to his comments on the thoroughly impracticable resolution in the Legislative Council that at a date when all early crops had been harvested and removed, a solution might be found in the valuation of the outturn of all crops over 1595 square miles of country by the expert agency of the Agricultural Department, and his acceptance of Mr. Gandhi's testimony at the same stage, based on the mere statements of interested cultivators.

3. Sir C. Sankaran Nair's appreciation of the past economic situation of the tract at the beginning of his minute cannot, I am to say, be accepted. Five good seasons out of the seven preceding years cannot seriously be described as a period of severe agricultural distress. Further, the brief remark that 'crops had failed' in a year when later crops, and particularly rice, were good over the greater part of the district, conveys a wholly inaccurate impression of the facts. But passing on from this unfortunate setting of the stage to the actual drama as presented below, the Governor in Council must correct the impression given that the political agitation referred to had any considerable effect on the measures of relief actually sanctioned by the revenue officers, or that the ultimate result was to leave the decision as regards payment of the Government demand to the rayats themselves. Once the demand is fixed, after a rough and necessarily imperfect estimate of the harvest by broad tracts, collections are made by the subordinate revenue staff, who are *always* enjoined to exercise discretion in the work of actual collection in hard cases, such as arise in every area.

In such cases arrears are not suspended but remain uncollected, and are classed as unauthorised arrears. In the case in point *no* orders issued in April sanctioning further suspensions, but revenue officers were reminded of the long standing instructions of Government to exercise the usual discretion in collecting the Government demand already fixed. Mr. Gandhi learned in June that such warnings had issued, and, as the no rent campaign had failed, he took advantage of this so-called concession to declare that agitation might now cease and all who could should pay. In all Rs. 15,000 were thus postponed on account of genuine poverty as against Rs. 22,03,700 collected. Subsequently it was found that some subordinate revenue officers had by mistake declared this small fraction of the demand as suspensions, and this Government in view of the mistake made, allowed them to be so shown in the accounts. It must be clearly understood that, so far as collections in the year in question were affected—the decision made no difference at all to the rayat. In no case would the collection of this small sum have been enforced. With the exception of these few hard cases, collections were made according to the demand fixed and at the end of the year only Rs. 24,816 remained outstanding, mainly owing to a temporary strike of village accountants. The suggestion that rayats were allowed to decide for themselves whether they should pay or not is purely fanciful.

4. To sum up the Governor in Council considers that it is essential to explain that Sir C. Sankaran Nair's minute has been written under a misconception of the facts and of the policy of Government. The season in question and previous economic situation of the tract have been inaccurately described, and the statement that as a result of the campaign the rayats were left to decide who could and who could not pay the Government demand is wholly inaccurate. Suspensions amounted to Rs 2,13,000, collections to 22 lakhs and unauthorised arrears to under Rs. 25,000. Rs. 15,000 were not collected in the exercise of the revenue officers' usual discretion, and were subsequently included in suspensions as they had by a mistake been so declared. With this small exception no additional suspensions were declared after March as stated. The fundamental misconception underlying Sir C. Sankaran Nair's presentment of the case is that an individual rayat has a claim to suspension if his particular crop fails. That is not the case. Individual inquiries are wholly impracticable over wide areas and are therefore rightly forbidden. The harvest is appraised, by broad areas only, with a view to make Government's demand more elastic, and the demands once fixed must be collected, subject to the usual discretion to be exercised in the use of coercive processes.

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